

Regular Session, 2010

HOUSE BILL NO. 782

BY REPRESENTATIVE CROMER

PROPERTY/EXPROPRIATION: Provides relative to expropriation of property in St. Tammany Parish

1 AN ACT

2 To amend and reenact R.S. 19:351 and 352(A), relative to expropriation by a declaration of  
3 taking; to provide for definitions; to authorize the parish of St. Tammany to  
4 expropriate property by a declaration of taking for certain purposes; to repeal the  
5 termination date regarding the authority of expropriation by a declaration of taking;  
6 and to provide for related matters.

7 Notice of intention to introduce this Act has been published  
8 as provided by Article III, Section 13 of the Constitution of  
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 19:351 and 352(A) are hereby amended and reenacted to read as  
12 follows:

13 §351. Property, governing authority defined

14 As used in this Part:

15 (1) ~~"Parish" means any parish with a population of not less than one hundred~~  
16 ~~ninety-one thousand persons nor more than two hundred forty-one thousand persons,~~  
17 ~~based on the latest federal decennial census.~~ "Governing authority" means the  
18 governing authority of the parish of St. Tammany.

§352. Authority to expropriate and acquisition of property for sewer, drainage, or road projects prior to judgment

A. ~~After June 22, 2006, and until December 31, 2010, when~~ When the governing authority cannot amicably acquire property needed for sewer, drainage, or road projects, the parish may acquire the same by expropriation and may acquire the property prior to judgment in the trial court fixing the amount of compensation due to the owner of the property. If the owners are known and can be located, the governing authority must engage in good faith negotiations with the owner or owners of the subject property to acquire the property by conventional agreement, and it must make at least one written offer to purchase the property for a specific price. Thereafter, if the governing authority concludes that it cannot amicably acquire the subject property, it must, at least thirty days prior to filing a petition, notify the owner or owners by certified mail, return receipt requested, of its intention to expropriate the property pursuant to this Part. If the notice is returned unclaimed, the governing authority shall mail the letter of notification by regular mail and wait thirty days from the date of mailing prior to filing suit. The letter of notification must also inform the owner that if, within thirty days after being served with the notice of suit, he does not object to the taking on the ground that it is not for a public purpose, then he will waive all defenses to the taking except claims for compensation or damages. A copy of this Part must be enclosed with the letter of notification.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Cromer

HB No. 782

**Abstract:** Authorizes the expropriation by a declaration of taking, "quick-take", by the parish of St. Tammany in order to acquire property for road, drainage, water, utility, or sewerage projects.

Present law provides for general expropriation by the state and political subdivisions. Under existing general expropriation authority, the property owner can demand a jury trial to determine the value of the property expropriated. The governing authority is only entitled to the property after the amount fixed by the final judgment is deposited in the registry of the court.

Present law defines "parish" as any parish with a population of not less than 191,000 and not more than 241,000 persons based on the latest federal decennial census, and authorizes such a parish to expropriate by a declaration of taking, "quick-take", in order to acquire property for road, drainage, or sewerage projects. Further provides for a termination date of Dec. 31, 2010, for such authority.

Proposed law deletes the definition of "parish" and defines "governing authority" as the governing authority of the parish of St. Tammany.

Proposed law repeals the termination date for the authority to expropriate by a declaration of taking, "quick-take".

Proposed law authorizes the expropriation by a declaration of taking, "quick-take", by the parish of St. Tammany in order to acquire property for road, drainage, water, utility, or sewerage projects.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 19:351 and 352(A))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deleted provisions changing periods within which to file the petition and to file a motion to dismiss or other defenses.
2. Deleted provisions specifying the contents and place of filing of the petition.
3. Deleted provisions extending the authority to expropriate to water and utility projects.
4. Deleted provisions specifying procedures for notice to the defendant.
5. Deleted provisions relative to filing an answer and requesting a trial to determine the measure of compensation.
6. Made technical corrections.